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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,919	06/19/2003	Conrad Sun	CONRAD-8	9498
1054	7590	04/01/2005	EXAMINER	
LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION 17961 SKY PARK CIRCLE, SUITE 38-E IRVINE, CA 92614			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,919

Applicant(s)

SUN ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajuch et al.

Kajuch et al teaches a padlock with a body 124 and a shackle 126 having a first end 158 rotatably secured in the body and a second end 156 releasable from the body, a motor means 150 for releasing the second end of the shackle, a memory device 138 and comparing means microprocessor 136 (column 4, line 4) for storing/comparing data as set forth in column 9, lines 1-67, wherein a fingerprint scanning apparatus (biometric sensor) may also be used as set forth in column 9, line 60. With respect to claims 5 and 6, the "ENTER" key as set forth in column 9, lines 1-67 may be regarded both as an unlock activation button and a programming activation button.

Claims 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al (558).

Larson teaches a padlock body 26, shackle 24 an electrical release mechanism 48, a biometric sensor (see column 8, line 41) which replaces a key as set forth in column 8,

line 38, a data storage device 106 and a comparing device microprocessor 104 (column 6, line 25) used with the biometric sensor.

Claims 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Quintana.

Quintana teaches a padlock body 14, 16, a shackle 24 releasably secured therein, an electrically-operated release mechanism 30 defined by the motor as well as a solenoid 42, a biometric sensor 34 defined by a fingerprint scanner, a biometric data storage device memory (paragraphs 0025 and 0026), and a comparing device microprocessor 51 (paragraph 0028, line 3) for comparing sensed data with stored data in the memory and to activate the release mechanism 30, 42.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajuch et al in view of Larson et al.

Larson teaches a "CLEAR" button in fig. 1 at 22, which may be regarded as a reset switch for erasing data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a reset switch with the circuitry of Kajuch et al, in view of the teaching of Larson et al, since such reset is well known in memory programming electronics.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al in view of either Kajuch et al or Quintana.

Kajuch teaches a fingerprint scanner as set forth in column 9, line 60, as does Quintana teach a fingerprint scanner 34 used with a padlock. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a fingerprint scanner for the biometric sensor of Larson et al, in view of the teaching of either Kajuch or Quintana, the motivation being to rapid actuation of the padlock by only those authorized to open the padlock.

Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Quintana.

Coley teaches a solenoid actuated padlock having a solenoid 22, pin 23, and a rotatably secured shackle end leg 9 which is urged upwardly by a spring 15. Quintana teaches a padlock and fingerprint scanner 34, a memory (paragraphs 0025 and 0026), microprocessor means 51 for comparing scanned and stored fingerprint data, and means for releasing the shackle defined by a motor 30 and solenoid 42. Quintana also teaches an unlock activation button 48 (paragraph 0023), a programming activation button 48, and a reset switch 60 (paragraph 0026) for erasing fingerprint data from the memory. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the fingerprint scanning structure with the solenoid operated padlock of Coley, in view of the teaching of Quintana, the motivation being to allow rapid actuation of the padlock by only those authorized to open the padlock.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coley in view of Quintana as applied to claim 2 above, and further in view of Ellsberg.

Ellsberg teaches in fig. 2 that it is well known to directly lock a leg 26 with a locking pin 44 of a solenoid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to lock the pin 23 of Coley with the shackle leg 10, in view of the teaching of Ellsberg, the motivation being that the additional part 18 of Coley would not be required, as a cost savings measure.

Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive. In response to applicant's remarks concerning the Kajuch reference on page 7, it is submitted that the fingerprint ID of column 9, line 60 of Kajuch is used as a key, since it "similarly" (column 9, line 59) "replaces" (column 9, line 56) the keypad. It is submitted that the remainder of applicant's remarks are moot in view of the new grounds of rejection.

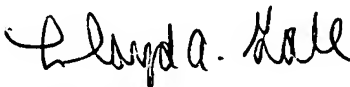
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828 and after April 2005 at 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
March 23, 2005


Lloyd A. Gail
Primary Examiner